

Board Resolution

June 1-2, 1979

Re: set of general principles designed to guide staff in its consideration of reauthorization process

1. The values and principles expressed in the preamble to the Legal Services Corporation Act of 1974 -- particularly the need for high quality, professional legal services delivered on an efficient and effective basis and independent of partisan politics -- have proved of vital importance and must be maintained.
2. Legal services clients should have the same rights to advice and representation in civil matters as other clients. As long as resources are inadequate to provide full representation of all eligible clients, priorities must be set, but those priorities should be established at the local level through an assessment of the need and requests of clients.
3. To ensure that legal services are accountable to and responsive to the needs of eligible clients, those clients should be represented in the decision-making process of local legal services programs and of the Corporation.
4. The Corporation should have maximum flexibility to carry out the basic purpose of the Legal Services Corporation Act -- to provide financial support for legal assistance in non-criminal matters to persons financially unable to afford that assistance.
5. In representing and advising clients, legal services lawyers should be subject only to those restrictions imposed on all attorneys by the applicable code of professional responsibility and the rules of procedures of the courts.
6. Legal services attorneys should not be subject to restrictions on their personal activities unless those restrictions are necessary to carry out their obligations, and the obligations of their programs, to provide legal assistance to eligible clients, or to maintain public confidence in the integrity and independence of the program.
7. Prohibitions against legal services representation of particular eligible clients, or in specified substantive civil matters, are inconsistent with equal access to our system of justice, and result in the denial of civil legal assistance to individuals who seek redress of their grievances.

reauthorization of the Legal Services Corporation

Mary Bourdette made a presentation on congressional reauthorization of the Corporation. She explained that Congress requires an authorization before there can be any appropriation of funds. The Corporation's current authorization expires in September 1980, and must be reauthorized by both Senate and House. It is anticipated that hearings on this reauthorization will begin in September 1979, and will conclude before the Christmas recess in December. Ms. Bourdette pointed out that the last authorization, in 1977, was lengthy and often controversial.

Ms. Bourdette reminded committee members that, at its March meeting, the Board approved a measure calling for a three-year authorization for the Corporation and no specific dollar amount for the yearly appropriations during that time. In June, the Board adopted six principles to guide the staff in their discussions with Congress. Ms. Bourdette asked the Committee if the members felt this was still the approach the Corporation should take, or if they would prefer adopting a series of specific amendments which should be proposed to Congress. She noted that the Project Advisory Group and the National Clients Council have no formal position on reauthorization at this time. Ms. Bourdette said the staff does not recommend that the Board endorse any specific amendments. Instead, the Board's adopted principles can guide the staff in negotiations with Congress. She also recommended that the Board adopt the following additional principle:

→ "7. Prohibitions against legal services representation

of particular eligible clients, or in specified substantive civil matters, are inconsistent with equal access to our system of justice, and result in the denial of civil legal assistance to individuals who seek redress of their grievances."

Mr. Kutak explained that in 1977 the Board adopted a series of specific amendments to propose to Congress. Mr. Kutak said he felt this was a mistake because specific amendments tie the hands of the staff in the give-and-take of the legislative process. For that reason, he suggested that the Committee recommend to the Board that they adopt the series of general principles. Ms. Bourdette pointed out that congressional supporters have urged the Corporation to seek a simple reauthorization because they do not think that improvements in the Act can be achieved in this year's legislative climate.

Mr. Sacks proposed that the Committee recommend to the full Board that they adopt the seventh principle, as outlined by Ms. Bourdette. Mr. Kutak seconded this motion. The Committee then adopted the motion unanimously.

Mr. Bernard Veney then said he felt that none of the current principles stated a commitment to furthering the self-help aspiration of clients. He said that the principles only expressed a commitment to the delivery of legal services. The Board discussed this observation, and Mr. Kutak suggested that the National Clients Council adopt such a principle for consideration at the September Board meeting. Mr. Sacks pointed out that this meant there would have to be a September Committee